

### REMARKS

The office action mailed November 8, 2002 has been reviewed and carefully considered. By this amendment, drawings corrections to Figures 1, 2 and 4 are submitted and claims 1 and 6-9 have been amended. Claims 1-12 remain pending in this application.

The Examiner has objected to the drawings "because the do not provide a descriptive label for each box of a block diagram". Applicant has submitted herewith proposed drawing revisions to Figures 1, 2 and 4 to accommodate the Examiner's request. No new matter has been added. In particular, applicant has added appropriate labels to the appropriately sized boxes in these diagrams. With respect to Figure 1, applicant respectfully requests the Examiner's reconsideration of such objection. The physical size of the boxes of Figure 1 prevent the inclusion of the descriptive label the Examiner has requested. By way of example, box 13 represents the "Mirror Signal Forming Unit" The physical dimensions of box 13 are too small to allow the addition of such text in a manner that conforms with MPEP §608.02(p)(3). As such, the addition of such text to boxes 12, 14, and 13 is impossible without changing the physical size of the boxes in the drawing. Applicant cannot find any such requirement in the MPEP and according to MPEP §608.02(p), reference numerals are preferred for reference characters. As such, applicant respectfully requests reconsideration and withdrawal of this objection.

The Specification has been amended to include appropriate headings in accordance with 37 C.F.R. §1.77(b). Withdrawal of the objection is respectfully requested.

The Examiner has objected to the Abstract for various informalities. Applicant submits herewith an amended abstract (in compliance with MPEP §608.01(b)) on a separate sheet for the Examiner's consideration and approval.

Applicant acknowledges the Examiners indication of allowability for claim 6-9 and the allowance of claim 11.

Claims 1, 2, 4, 5, 10 and 12 stand rejected under 35 U.S.C. §102(e) as being anticipated by Kamiyama (USP 5,909,419).

With respect to independent claim 1, Kamiyama discloses a disk discrimination apparatus for an optical disk reproducing apparatus that utilizes a tracking zero crossing generation circuit 104 that generates a zero-crossing signal that is fed to a microprocessor 105. The Examiner has identified this TZC circuit and has stated that this one circuit anticipates applicant's claimed mirror-signal forming unit and threshold value forming unit. Applicant respectfully disagrees with the Examiner's application of Kamiyama in this instance. Applicant's threshold value forming unit creates threshold values (TH, UTH and LTH) based on the input high frequency signal in order to facilitate the disk type identification. Kamiyama does not disclose the use of a threshold forming device and specifically teaches away from such disclosure by the use of predetermined threshold values that are stored in a ROM device (see Col. 3, lines 47-48). In view of the foregoing, reconsideration and withdrawal of the rejection is respectfully requested.

With respect to independent claim 4, applicant claims, *inter alia*, "setting of one of a plurality of possible threshold values for the generation of a mirror signal..." As described above, Kamiyama clearly does not disclose this step of selecting or setting one of a plurality of threshold levels used to determine the disk type. Withdrawal of this rejection is respectfully requested.

Claims 2, 5, 10 and 12 depend from independent claims 1 and 4, and therefore are believed to be in condition for allowance based on such dependency. Withdrawal of the rejection is respectfully requested.

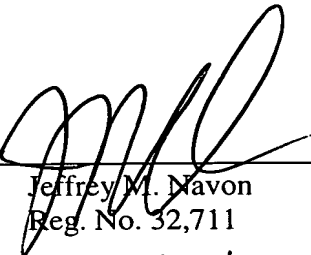
Claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kamiyama in further view of Jeong (USP 5,724,325). As described above, Kamiyama fails to disclose a threshold forming unit and actually teaches away from applicant's claimed invention in this respect, as claimed in claim 1. As such, further application of Jeong is moot in view of this distinction. Withdrawal of this rejection and early allowance on the merits is respectfully requested.

In accordance with the Examiner's indication of allowability, applicant has amended claims 6-9 to each be independent claims incorporating base claim 4. These claims are now believed to be in condition for allowance.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No.07-0832.

Respectfully submitted,

By

  
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FIGURE 2

